
By: **Delegates Hubbard, Shriver, Hurson, Hixson, Owings, Hammen, D. Davis, Oaks, Billings, Nathan-Pulliam, Boutin, Stull, Elliott, Schisler, Morhaim, Klausmeier, Mohorovic, Sher, Stern, Love, Rzepkowski, Sophocleus, Benson, R. Baker, Grosfeld, Cryor, Leopold, Pitkin, Bobo, and Dypski**

Introduced and read first time: February 8, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Community Attendant Services and Supports Program**

3 FOR the purpose of requiring the Department of Human Resources to administer a
4 home- and community-based attendant services and supports program;
5 requiring the Department to adopt regulations to implement the program;
6 requiring the Department to establish a certain committee; requiring the
7 Department of Human Resources and the Department of Health and Mental
8 Hygiene to determine certain payments for certain consumers; authorizing
9 certain disabled individuals to select, manage, and control certain services;
10 requiring that certain attendant services and supports be provided in certain
11 places and available at certain times; requiring certain consumer service plans
12 to be developed by certain persons; authorizing a consumer to select a personal
13 assistant; requiring certain attendant care service providers to assure that a
14 consumer is informed of certain information; providing a means of appeal for
15 certain consumers; requiring that certain individuals under a certain age be
16 eligible for the program; requiring certain support plans to be developed for
17 certain consumers; requiring the Department to modify certain quality
18 assurance programs under certain circumstances; requiring that certain quality
19 assurance systems include certain consumer input; requiring the Department of
20 Health and Mental Hygiene to apply for certain waiver programs; defining
21 certain terms; requiring the Department of Health and Mental Hygiene and the
22 Department of Human Resources to submit certain reports to the General
23 Assembly; and generally relating to the community-based attendant services
24 and supports program.

25 BY adding to
26 Article 41 - Governor - Executive and Administrative Departments
27 Section 6-7A-01 through 6-7A-06, inclusive, to be under the new subtitle
28 "Subtitle 7A. Community Attendant Services and Supports Program"
29 Annotated Code of Maryland
30 (1997 Replacement Volume and 2000 Supplement)

1 BY adding to
2 Article - Health - General
3 Section 15-133
4 Annotated Code of Maryland
5 (2000 Replacement Volume)

6 Preamble

7 WHEREAS, Many studies have found that an overwhelming majority of
8 individuals with disabilities needing long-term services and supports would prefer to
9 receive them in home- and community-based settings rather than in institutions and
10 nursing homes; and

11 WHEREAS, Research on the provision of long-term attendant services and
12 supports under the Medicaid program has revealed a significant bias toward funding
13 these services in institutional rather than home- and community-based settings; and

14 WHEREAS, Because of this funding bias, significant numbers of individuals
15 with disabilities who would prefer to live in the community and could do so with
16 community attendant services and supports are forced to live in unnecessarily
17 segregated institutional settings if they want to receive needed services and supports;
18 and

19 WHEREAS, Decisions regarding the provision of attendant services and
20 supports are often influenced by what is reimbursable rather than what individuals
21 need and want; and

22 WHEREAS, There is a growing recognition that disability is a natural part of
23 the human experience that in no way diminishes a person's right to live
24 independently or with supports in the most integrated setting, enjoy
25 self-determination and consumer-directed services, make choices, contribute to
26 society, and enjoy full inclusion and integration in the mainstream of American
27 society; and

28 WHEREAS, The United States Supreme Court ruled in *Olmstead v. L.C.* that
29 persons with disabilities have the right to live in the most integrated setting
30 appropriate to each person's needs and each state must ensure this basic civil right to
31 citizens with disabilities; and

32 WHEREAS, Long-term services and supports provided under the Medicaid
33 program must meet the evolving and changing needs and preferences of individuals
34 with disabilities; and

35 WHEREAS, The goals of the nation and State properly include providing
36 individuals with disabilities with meaningful choices of receiving long-term services
37 and supports in the most integrated setting appropriate, the greatest possible control
38 over the services received, and quality services that maximize social functioning in
39 the home and community; and

1 WHEREAS, The United States Congress, through the Health Care Financing
2 Administration, is offering \$50 million for states to use to change the institutional
3 bias in their service systems - called "Olmstead or MiCASSA grants"; and

4 WHEREAS, The United States Congress, through the Health Care Financing
5 Administration, is offering \$20 million for states to use as nursing home transition
6 grants to identify ways to get and keep people with disabilities out of nursing homes
7 with the intent that this program, now used in eight states, can be expanded to every
8 state in the country; and

9 WHEREAS, Many individuals with disabilities are benefitting from the State's
10 current home- or community-based services waiver program, however, more than
11 3,000 persons with disabilities are still confined to inappropriate segregation in
12 nursing homes who, if given the choice, would choose to receive necessary treatment
13 and services in the most integrated home and community setting; now, therefore,

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 41 - Governor - Executive and Administrative Departments**

17 **SUBTITLE 7A. COMMUNITY ATTENDANT SERVICES AND SUPPORTS PROGRAM.**

18 6-7A-01.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) "AGENCY-PROVIDER SERVICE OPTION" MEANS A METHOD OF PROVIDING
22 COMMUNITY ATTENDANT SERVICES AND SUPPORTS FOR AN ELIGIBLE INDIVIDUAL
23 WHERE THE PERSONAL ASSISTANT IS EMPLOYED BY A PROVIDER AGENCY,
24 SUPERVISED AND EVALUATED BY THE CONSUMER, AND THE AGENCY IS THE
25 PERSONAL ASSISTANT'S EMPLOYER OF RECORD.

26 (C) (1) "ATTENDANT SERVICES AND SUPPORTS" MEANS THE FOLLOWING
27 SERVICES FOR THE DISABLED INDIVIDUAL, WHICH ARE CERTIFIED AS NECESSARY
28 BY A HEALTH CARE PROFESSIONAL:

29 (I) DRESSING;

30 (II) PREPARING FOOD AND ASSISTING THE DISABLED INDIVIDUAL
31 WITH EATING;

32 (III) BATHING AND PERSONAL HYGIENE;

33 (IV) ASSISTING WITH ROUTINE BODILY FUNCTIONS, INCLUDING
34 BOWEL OR URINARY CARE;

35 (V) MOVING INTO, OUT OF, OR TURNING IN BED;

- 1 (VI) LAUNDERING AND PROVIDING OTHER CLOTHING CARE; AND
- 2 (VII) CLEANING HOUSE AND PERFORMING OTHER SERVICES OF
- 3 DAILY CARE, INCLUDING SHOPPING AND TRANSPORTATION, AS REQUESTED BY THE
- 4 DISABLED INDIVIDUAL AND THE DEPARTMENT.
- 5 (2) "ATTENDANT SERVICES AND SUPPORTS" ARE DESIGNED TO ASSIST
- 6 THE CONSUMER IN ACCOMPLISHING ACTIVITIES OF DAILY LIVING AND
- 7 HEALTH-RELATED FUNCTIONS THROUGH:
- 8 (I) HANDS ON ASSISTANCE;
- 9 (II) SUPERVISION; OR
- 10 (III) CUING.
- 11 (D) "COMMUNITY ATTENDANT SERVICES AND SUPPORTS" MEANS ATTENDANT
- 12 SERVICES AND SUPPORTS FURNISHED TO AN INDIVIDUAL:
- 13 (1) UNDER A PLAN OF SERVICES THAT IS BASED ON AN ASSESSMENT OF
- 14 FUNCTIONAL NEED AND THAT IS AGREED TO BY THE INDIVIDUAL OR THE
- 15 INDIVIDUAL'S REPRESENTATIVE; AND
- 16 (2) UNDER AN AGENCY-PROVIDER MODEL, A CONSUMER-DIRECTED
- 17 MODEL, OR OTHER MODEL AS DEFINED IN THIS SECTION.
- 18 (E) "CONSUMER" MEANS AN ELIGIBLE INDIVIDUAL WHO IS A RECIPIENT OF
- 19 ATTENDANT SERVICES AND SUPPORTS OR COMMUNITY-BASED ATTENDANT
- 20 SERVICES AND SUPPORTS.
- 21 (F) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.
- 22 (G) (1) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WITH A DISABILITY
- 23 WHO:
- 24 (I) IS AN ADULT UNDER THE AGE OF 60 YEARS; AND
- 25 (II) HAS A SEVERE CHRONIC OR PERMANENT DISABILITY THAT
- 26 PRECLUDES OR SIGNIFICANTLY IMPAIRS THE INDIVIDUAL'S INDEPENDENT
- 27 PERFORMANCE OF ESSENTIAL ACTIVITIES OF DAILY LIVING, SELF-CARE, OR
- 28 MOBILITY.
- 29 (2) "ELIGIBLE INDIVIDUAL" INCLUDES AN INDIVIDUAL WITH A
- 30 COGNITIVE, SENSORY, OR PHYSICAL DISABILITY WHO:
- 31 (I) HAS A FUNCTIONAL NEED THAT LIMITS THE INDIVIDUAL'S
- 32 ABILITY TO PERFORM ONE OR MORE ACTIVITIES OF DAILY LIVING;
- 33 (II) REQUIRES SUBSTANTIAL SUPERVISION OR EPISODIC OR
- 34 SHORT-TERM CRISIS ASSISTANCE; OR

1 (III) NEEDS ASSISTANCE WITH THE PERFORMANCE OF
2 HEALTH-RELATED TASKS.

3 (H) "FUNCTIONAL NEED" MEANS THE NEED FOR PERSONAL ASSISTANCE
4 BASED ON ABILITIES AND LIMITATIONS OF THE CONSUMER, REGARDLESS OF
5 MEDICAL DIAGNOSIS OR OTHER CATEGORY OF DISABILITY.

6 (I) "NURSING HOME TRANSITION GRANT" MEANS THE GRANTS AVAILABLE TO
7 STATES THROUGH THE HEALTH CARE FINANCING ADMINISTRATION AS INCLUDED IN
8 THE FEDERAL BUDGET TO ALLOW STATES TO IDENTIFY WAYS TO GET OR KEEP
9 PEOPLE WITH DISABILITIES OUT OF NURSING HOMES.

10 (J) (1) "OTHER SERVICE OPTIONS" MEANS METHODS OTHER THAN AN
11 AGENCY-PROVIDER MODEL.

12 (2) "OTHER SERVICE OPTIONS" INCLUDES VOUCHERS, DIRECT CASH
13 PAYMENTS, OR USE OF A FISCAL AGENT TO ASSIST IN OBTAINING SERVICES.

14 (K) "PERSONAL ASSISTANT" MEANS THE INDIVIDUAL WHO DIRECTLY
15 PROVIDES ATTENDANT SERVICES AND SUPPORTS.

16 (L) "PROGRAM" MEANS THE COMMUNITY-BASED ATTENDANT CARE
17 PROGRAM.

18 (M) "REPRESENTATIVE" MEANS A PARENT, FAMILY MEMBER, GUARDIAN,
19 ADVOCATE, OR AUTHORIZED REPRESENTATIVE OF AN ELIGIBLE INDIVIDUAL.

20 6-7A-02.

21 (A) THE DEPARTMENT SHALL DEVELOP AND ADMINISTER A COMPREHENSIVE
22 PROGRAM OF HOME AND COMMUNITY ATTENDANT SERVICES AND SUPPORTS THAT
23 PROVIDE ATTENDANT SERVICES AND SUPPORTS TO AN INDIVIDUAL WITH
24 DISABILITIES RESIDING IN A NURSING HOME OR AT RISK OF PLACEMENT IN A
25 NURSING HOME WHO CAN RETURN OR REMAIN IN A HOME- OR COMMUNITY-BASED
26 SETTING WITH THE PROVISION OF COMMUNITY ATTENDANT SERVICES AND
27 SUPPORTS.

28 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO
29 IMPLEMENT THIS SUBTITLE.

30 (C) THE DEPARTMENT SHALL ESTABLISH A PLANNING AND OVERSIGHT
31 COMMITTEE TO INCLUDE ELIGIBLE INDIVIDUALS, THE INDIVIDUALS'
32 REPRESENTATIVES, AND AGENCY SERVICE PROVIDERS TO ASSIST IN THE
33 DEVELOPMENT AND IMPLEMENTATION OF ALL ASPECTS OF A COMPREHENSIVE
34 PROGRAM OF COMMUNITY ATTENDANT SERVICES AND SUPPORTS, INCLUDING
35 PROGRAM STANDARDS, THE ELIGIBILITY DETERMINATION INSTRUMENT AND
36 PROTOCOL, AND QUALITY ASSURANCE PROGRAM.

37 (D) (1) THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF
38 HEALTH AND MENTAL HYGIENE, SHALL DETERMINE CO-PAYMENTS AND COST

1 SHARING FOR A CONSUMER WHO HAS AN ADJUSTED GROSS INCOME THAT EXCEEDS
2 225% OF THE FEDERAL POVERTY LEVEL.

3 (2) THE DEPARTMENT SHALL GIVE PRIORITY TO SERVING A CONSUMER
4 WHO HAS AN INCOME AT OR BELOW 225% OF THE FEDERAL POVERTY LEVEL.

5 (3) NOTWITHSTANDING THE PROVISION OF PARAGRAPH (1) OF THIS
6 SUBSECTION, THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL
7 HYGIENE MAY NOT STRUCTURE THE CO-PAYMENT AND COST SHARING
8 REQUIREMENTS TO BE A DISINCENTIVE TO EMPLOYMENT.

9 6-7A-03.

10 (A) TO THE EXTENT POSSIBLE, AN ELIGIBLE INDIVIDUAL WHO IS A
11 PARTICIPANT IN THE PROGRAM MAY SELECT, MANAGE, AND CONTROL THE
12 INDIVIDUAL'S COMMUNITY ATTENDANT SERVICES AND SUPPORTS.

13 (B) (1) ATTENDANT SERVICES AND SUPPORTS SHALL BE PROVIDED IN A
14 CONSUMER'S HOME OR OTHER INDEPENDENT OR SUPPORTED LIVING
15 ENVIRONMENT, INCLUDING BUT NOT LIMITED TO SCHOOL, WORK, RECREATIONAL,
16 AND RELIGIOUS SETTINGS.

17 (2) ATTENDANT SERVICES AND SUPPORTS MAY NOT BE PROVIDED IN A
18 NURSING FACILITY, INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED,
19 OR OTHER LARGE CONGREGATE SETTING.

20 (C) A CONSUMER RECEIVING SERVICES AND SUPPORTS UNDER THIS
21 PROGRAM SHALL BE ELIGIBLE FOR MEDICAL ASSISTANCE IF THE CONSUMER:

22 (1) WOULD BE ELIGIBLE FOR MEDICAL ASSISTANCE IN A MEDICAL
23 INSTITUTION OR NURSING HOME; AND

24 (2) NEEDS HOME AND COMMUNITY SERVICES AND SUPPORTS IN ORDER
25 TO REMAIN IN THE COMMUNITY.

26 (D) THE COMMUNITY ATTENDANT SERVICES AND SUPPORTS SHALL BE
27 CAPABLE OF PROVIDING PERSONAL ASSISTANCE 24 HOURS A DAY, 7 DAYS A WEEK,
28 AND, WHEN NECESSARY, PROVIDE BACKUP AND EMERGENCY PERSONAL
29 ASSISTANCE SERVICES.

30 (E) (1) EACH CONSUMER'S PROGRAM OF SERVICES SHALL BE BASED UPON
31 A MUTUALLY-AGREED UPON INDIVIDUAL SERVICES PLAN, JOINTLY DEVELOPED BY
32 THE CONSUMER AND THE DEPARTMENT OR ITS DESIGNEE.

33 (2) (I) A CONSUMER SHALL HAVE AN OPPORTUNITY TO CHOOSE
34 BETWEEN DIFFERENT SERVICE DELIVERY OPTIONS, INCLUDING VOUCHERS,
35 CONSUMER-DIRECTED INDIVIDUAL PROVIDER MODELS, AND CONSUMER-DIRECTED
36 AGENCY MODELS.

1 (II) 1. A CONSUMER MAY SELECT OR HIRE WHOMEVER THE
2 CONSUMER CHOOSES AS A PERSONAL ASSISTANT, INCLUDING FAMILY MEMBERS.

3 2. A FAMILY MEMBER MAY NOT BE BARRED FROM
4 RECEIVING MEDICAL ASSISTANCE PAYMENTS FOR PROVIDING SERVICES.

5 (F) THE DEPARTMENT SHALL OFFER A CONSUMER THE FOLLOWING
6 TRAINING:

7 (1) HOW TO SELECT, MANAGE, AND DISMISS AN ATTENDANT OR
8 PERSONAL ASSISTANT; AND

9 (2) FINANCIAL ASSISTANCE WITH THE EXPENSE OF MANAGING THE
10 CONSUMER'S PERSONAL ASSISTANCE SERVICES.

11 (G) A PROVIDER OF COMMUNITY ATTENDANT SERVICES AND SUPPORTS
12 SHALL ASSURE THAT A CONSUMER IS INFORMED OF AND ACCORDED THE
13 CONSUMER'S RIGHTS AND OPTIONS WITH RESPECT TO SELECTING, MANAGING, AND
14 CHANGING THE CONSUMER'S PERSONAL ASSISTANCE SERVICES AND THE
15 CONSUMER'S RIGHT TO PRIVACY AND CONFIDENTIALITY.

16 (H) THE DEPARTMENT SHALL LIMIT PARTICIPATION IN THE COMMUNITY
17 ATTENDANT SERVICES AND SUPPORTS TO AN ELIGIBLE INDIVIDUAL UNDER THE AGE
18 OF 60 YEARS WHO RESIDES IN A NURSING HOME OR IS AT RISK OF PLACEMENT IN A
19 NURSING HOME.

20 (I) ELIGIBILITY SHALL BE BASED ON FUNCTIONAL NEEDS OF THE
21 CONSUMER BASED ON ABILITIES AND LIMITATIONS OF THE CONSUMER,
22 REGARDLESS OF THE MEDICAL DIAGNOSIS OR OTHER CATEGORY OF DISABILITY.

23 (J) A CONSUMER WHO IS DISSATISFIED WITH THE ADMINISTRATION OR THE
24 CONSUMER'S COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS SHALL
25 HAVE A RIGHT OF APPEAL TO THE DEPARTMENT.

26 6-7A-04.

27 (A) AN INITIAL INDIVIDUALIZED SUPPORT PLAN SHALL BE DEVELOPED FOR
28 EACH CONSUMER OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS AT
29 THE TIME OF ASSESSMENT.

30 (B) THE INDIVIDUALIZED SUPPORT PLAN SHALL:

31 (1) BE DEVELOPED WITH THE CONSUMER OR THE CONSUMER'S
32 REPRESENTATIVE;

33 (2) BE APPROVED BY THE CONSUMER OR THE CONSUMER'S
34 REPRESENTATIVE; AND

1 (3) BE GIVEN TO THE CONSUMER AND THE CONSUMER'S
2 REPRESENTATIVE IN WRITING OR OTHER APPROPRIATE AND UNDERSTANDABLE
3 FORMAT.

4 (C) THE INDIVIDUALIZED SUPPORT PLAN SHALL SPECIFY:

5 (1) THE SCOPE OF PERSONAL ASSISTANCE SERVICES TO BE PROVIDED;

6 (2) THE HOURS THAT PERSONAL ASSISTANCE SERVICES ARE TO BE
7 PROVIDED;

8 (3) THE MEANS OF PROVIDING ALTERNATE SOURCES FOR ATTENDANT
9 SERVICES AND SUPPORTS;

10 (4) THE MEANS OF ENSURING SUBSTITUTE AND EMERGENCY
11 ATTENDANT SERVICES AND SUPPORTS;

12 (5) THE METHOD OF SERVICE DELIVERY;

13 (6) THE INITIAL ASSESSMENT AND FREQUENCY OF REASSESSMENT OF
14 THE NEEDS OF THE CONSUMER;

15 (7) THE MEANS TO ADJUST SERVICES AND HOURS WHEN CHANGES ARE
16 NEEDED;

17 (8) A MECHANISM TO COORDINATE ATTENDANT SERVICES AND
18 SUPPORTS WITH OTHER HEALTH CARE SERVICES RECEIVED BY THE CONSUMER;

19 (9) THE DEGREE AND FREQUENCY OF SUPERVISION OF THE PERSONAL
20 ASSISTANT NECESSARY FOR THE EFFECTIVE DELIVERY OF ATTENDANT SERVICES
21 AND SUPPORTS;

22 (10) THE AMOUNT OF CO-PAYMENTS OR COST SHARING, IF ANY;

23 (11) OUTCOME MEASURES USED TO ASSESS THE QUALITY OF SERVICES;
24 AND

25 (12) COMPLAINT AND APPEAL PROCEDURES.

26 6-7A-05.

27 (A) THE DEPARTMENT SHALL:

28 (1) MODIFY ITS QUALITY ASSURANCE PROGRAM TO MAXIMIZE
29 CONSUMER INDEPENDENCE AND CONSUMER DIRECTION IN AGENCY-PROVIDED
30 AND OTHER SERVICE OPTIONS FOR COMMUNITY-BASED ATTENDANT SERVICES AND
31 SUPPORTS;

32 (2) PROVIDE A SYSTEM THAT PROVIDES FOR THE EXTERNAL
33 MONITORING OF THE QUALITY OF SERVICES AND ENSURES ONGOING MONITORING
34 OF THE HEALTH AND WELL-BEING OF EACH RECIPIENT;

1 (3) REQUIRE THAT QUALITY ASSURANCE MECHANISMS SHALL BE
2 INCLUDED IN THE INDIVIDUAL'S WRITTEN PLAN THAT ARE APPROPRIATE FOR THE
3 INDIVIDUAL AND THAT PROTECT THE CONSUMER TO THE MAXIMUM EXTENT
4 POSSIBLE FROM ABUSE, NEGLECT, AND EXPLOITATION;

5 (4) MAKE AVAILABLE TO THE PUBLIC THE FINDINGS OF THE QUALITY
6 ASSURANCE PROGRAM;

7 (5) ESTABLISH AN ONGOING PUBLIC PROCESS FOR DEVELOPMENT,
8 IMPLEMENTATION, AND REVIEW OF THE QUALITY ASSURANCE PROGRAM AS
9 DESCRIBED IN THIS SECTION; AND

10 (6) DEVELOP SANCTIONS.

11 (B) THE SYSTEM FOR QUALITY ASSURANCE SHALL BE DEVELOPED WITH
12 CONSUMERS AND THEIR REPRESENTATIVES, DISABILITY ORGANIZATIONS,
13 PROVIDERS, AND OTHERS.

14 (C) THE SYSTEM FOR QUALITY ASSURANCE SHALL INCLUDE MEANINGFUL
15 CONSUMER INPUT, INCLUDING CONSUMER SURVEYS, THAT MEASURE THE EXTENT
16 TO WHICH PARTICIPANTS RECEIVE THE SERVICES DESCRIBED IN THE INDIVIDUAL
17 PLAN AND PARTICIPANT SATISFACTION WITH SUCH SERVICES.

18 6-7A-06.

19 SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE DEPARTMENT
20 SHALL REPORT TO THE GENERAL ASSEMBLY EVERY 3 MONTHS CONCERNING THE
21 STATUS AND DEVELOPMENT OF THE PROGRAM UNDER THIS SUBTITLE. THE FIRST
22 REPORT SHALL BE SUBMITTED ON SEPTEMBER 1, 2001.

23 **Article - Health - General**

24 15-133.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (2) "NURSING HOME TRANSITION GRANT" MEANS A GRANT AVAILABLE
28 TO THE DEPARTMENT FROM THE HEALTH CARE FINANCING ADMINISTRATION OF
29 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AS INCLUDED
30 IN THE FEDERAL BUDGET TO ALLOW STATES TO IDENTIFY WAYS TO GET OR KEEP
31 ELIGIBLE INDIVIDUALS OUT OF NURSING HOMES.

32 (3) "OLMSTEAD OR MICASSA GRANT" MEANS A GRANT AVAILABLE TO
33 THE DEPARTMENT FROM THE HEALTH CARE FINANCING ADMINISTRATION OF THE
34 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AS INCLUDED IN
35 THE FEDERAL BUDGET.

36 (B) ON OR BEFORE SEPTEMBER 1, 2001, THE DEPARTMENT SHALL APPLY FOR
37 AN EXPANDED MEDICAID HOME- AND COMMUNITY-BASED WAIVER PROGRAM THAT

1 INCLUDES COVERAGE FOR ANY ELIGIBLE INDIVIDUAL UNDER THE AGE OF 60 YEARS
2 WHO RESIDES IN A NURSING HOME OR AT RISK OF PLACEMENT IN A NURSING HOME.

3 (C) (1) THE DEPARTMENT SHALL APPLY TO THE HEALTH CARE FINANCING
4 ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES FOR AN OLMSTEAD OR MICASSA GRANT FOR THE FULL RANGE OF
6 ACTIVITIES ALLOWABLE TO CHANGE THE INSTITUTIONAL BIAS IN THE STATE'S
7 SERVICE SYSTEM.

8 (2) THE GRANT SHALL BE ADMINISTERED BY THE DEPARTMENT OF
9 HUMAN RESOURCES IN COORDINATION WITH THE ELIGIBLE DISABLED HOME- AND
10 COMMUNITY-BASED WAIVER.

11 (3) THE FUNDS FROM THE OLMSTEAD OR MICASSA GRANT MAY BE USED
12 TO IDENTIFY, DEVELOP, AND IMPLEMENT STRATEGIES FOR MODIFYING POLICIES,
13 PRACTICES, AND PROCEDURES THAT BIAS THE PROVISION OF LONG-TERM SERVICES
14 TOWARD INSTITUTIONAL SETTINGS AND AWAY FROM HOME- AND
15 COMMUNITY-BASED SETTINGS.

16 (D) (1) THE DEPARTMENT SHALL APPLY TO THE HEALTH CARE FINANCING
17 ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
18 SERVICES FOR A NURSING HOME TRANSITION GRANT TO ASSIST IN KEEPING
19 ELIGIBLE INDIVIDUALS OUT OF NURSING HOMES.

20 (2) THE DEPARTMENT SHALL APPLY FOR ANY OTHER FUNDS THAT MAY
21 BECOME AVAILABLE IN ORDER TO ASSIST THE STATE IN IMPLEMENTING
22 PROVISIONS OF THIS SECTION.

23 (E) THE DEPARTMENT OF HUMAN RESOURCES SHALL:

24 (1) ADMINISTER THE GRANT PROGRAMS;

25 (2) INCLUDE COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES
26 AND SUPPORTS AS REQUIRED UNDER ARTICLE 41, § 6-7A-01 OF THE CODE; AND

27 (3) COORDINATE WITH ELIGIBLE INDIVIDUALS AND THE HOME- OR
28 COMMUNITY-BASED SERVICES WAIVER PROGRAM UNDER THIS SECTION.

29 (F) (1) A CONSUMER ADVISORY PANEL OF PERSONS WITH DISABILITIES,
30 FAMILY MEMBERS, ADVOCACY ORGANIZATIONS, AND SERVICE PROVIDERS SHALL BE
31 ESTABLISHED BY JULY 1, 2001 TO PROVIDE INPUT AND REVIEW THE DEPARTMENT'S
32 APPLICATION AND ONGOING INPUT AND OVERSIGHT TO ITS IMPLEMENTATION OF
33 THE HOME- OR COMMUNITY-BASED WAIVER PROGRAM UNDER SUBSECTIONS (B), (C),
34 AND (D) OF THIS SECTION.

35 (2) THE PANEL SHALL BE COMPRISED OF A MAJORITY OF PERSONS
36 WITH DISABILITIES WHO ARE NOT SERVICE PROVIDERS.

37 (G) ON OR BEFORE JULY 1, 2001, THE DEPARTMENT SHALL NOTIFY THE
38 HEALTH CARE FINANCE ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF

1 HEALTH AND HUMAN SERVICES OF MARYLAND'S INTENT TO EXPAND THE CURRENT
2 MEDICAID HOME- AND COMMUNITY-BASED WAIVER AND NONELDER ATTENDANT
3 SERVICES AND SUPPORTS WAIVER, UNDER § 1915(C) OF THE FEDERAL SOCIAL
4 SECURITY ACT TO REDIRECT FUNDS TO DEVELOP APPROPRIATE FUNDING FOR THIS
5 ACT.

6 (H) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
7 DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY EVERY 3 MONTHS
8 CONCERNING THE STATUS OF THE DEPARTMENT'S APPLICATIONS UNDER
9 SUBSECTIONS (B) AND (C) OF THIS SECTION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2001.